

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PEGGY S. BLUMER,

Plaintiff,

v.

WASHINGTON TROTting
ASSOCIATION, INC.,
Defendant.

)
)
)
)
)
)
)
)
)
)

Civil Action No. 12-1888

ORDER OF COURT

AND NOW, this 2nd day of April, 2014, upon consideration of the Court's Order Referring Case to Alternative Dispute Resolution, (Docket No. [30]), directing Plaintiff to pay fifty percent (50%) of the mediation fees upon the conclusion of the ADR process, and ordering that failure to pay the neutral should be brought to the attention of the Court, Rule 3.3B of this Court's ADR Policies and Procedures, which similarly states that the parties shall pay the mediation fees upon the conclusion of the ADR Process, and that failure to pay the mediator fees must be brought to the Court's attention, *see* ADR Policies and Procedures, § 3.3B, https://www.pawd.uscourts.gov/Applications/pawd_adr/Documents/ADRPolicies.pdf, the attached letter of court-appointed mediator Sally Griffith Cimini, Esquire dated March 7, 2014 (Exhibit "A"), advising the Court that Plaintiff has failed to pay an invoice dated December 31, 2013 in the amount of \$750 (Exhibit "B") despite repeated collection calls to Plaintiff's counsel, Mr. Smith, and the parties' Agreement to Mediate (Exhibit "C") dated November 19, 2013, wherein Plaintiff expressly agreed to pay any mediation fees within thirty days of the invoice, and the Court finding that Plaintiff has not presented any argument or evidence to demonstrate good cause for failing to pay the mediator fees because Plaintiff failed to respond to the Court's Show Cause Order [43] and both she and her counsel failed to appear for the hearing/status

conference scheduled for April 2, 2014 at 10:00 a.m., despite being expressly ordered to appear, as detailed in the Court's Hearing Memorandum filed contemporaneously herewith,

IT IS HEREBY ORDERED that Plaintiff shall pay the outstanding **\$750.00** to Sally Griffith Cimini, Esquire and the law firm of Leech Tishman Fuscaldo & Lampl by **Monday, April 14, 2014 at 4:30 p.m.**;

IT IS FURTHER ORDERED that Plaintiff's counsel, Joshua Smith, Esquire shall immediately serve a copy of this Order (along with the attached exhibits) to Plaintiff Peggy S. Blumer and concurrently file a certificate of service of same on the Court's CM/ECF System, indicating that service of the Order was made on Ms. Blumer;

IT IS FURTHER ORDERED that Ms. Cimini shall advise the Court immediately upon receipt of satisfaction of the outstanding invoice by Plaintiff and/or her counsel and/or shall advise the Court of their failure to make such payment by the deadline set forth above,

FINALLY, IT IS ORDERED that failure to adhere to this Court's Orders, including a failure to pay the mediation fees to Ms. Cimini, may result in sanctions, such as dismissal of this lawsuit for failure to prosecute or a finding of contempt of court.

s/Nora Barry Fischer
Nora Barry Fischer
U.S. District Judge

cc/ecf: All counsel of record
(including additional email of Joshua Smith, Esquire (joshsmith2020@gmail.com))

Peggy S. Blumer c/o Joshua Smith, Esquire

Sally Griffith Cimini, Esquire (by email to: scimini@leechtishman.com)